

# **EPA Superfund Explanation of Significant Differences:**

**BERKLEY PRODUCTS CO. DUMP**

**EPA ID: PAD980538649**

**OU 01**

**DENVER, PA**

**08/20/1999**



Pennsylvania Department of Environmental Protection

909 Elmerton Avenue  
Harrisburg, Pennsylvania 17110-8200  
July 6, 1999

717-705-4704  
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**Southcentral Regional Office**

Mr. James Feeney, RPM  
U.S. Environmental Protection Agency  
Region III (3HS23)  
1650 Arch Street  
Philadelphia, PA 19103

Re: Explanation of Significant Difference  
Berkley Products Dump Site  
West Cocalico Township, Lancaster County

Dear Mr. Feeney:

On June 9, 1999, the Department of Environmental Protection (DEP) received the proposed Explanation of Significant Differences (ESD) for the Berkley Products Company Dump Federal Superfund Site. This ESD modifies the Record of Decision (ROD) issued in June 1996. This ESD proposes to transport side slope waste off-site for disposal instead of incorporating the waste into that portion of the landfill that will be capped. This ESD is based on information gained during the remedial design process. More waste exists on-site than can be accommodated under the proposed cap.

I hereby concur with this proposed ESD. DEP will reserve our right and responsibility to take independent enforcement actions pursuant to state and federal law.

Thank you for the opportunity to concur with this proposed Explanation of Significant Difference. If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

Michael R. Steiner  
Regional Director

# **EXPLANATION OF SIGNIFICANT DIFFERENCES BERKLEY PRODUCTS COMPANY DUMP SUPERFUND SITE**

## **I. INTRODUCTION**

Site Name: Berkley Products Company Dump Superfund Site

Site Location: West Cocalico Township, Lancaster County

Lead Agency: U.S. Environmental Protection Agency, Region III  
(EPA or “the Agency”)

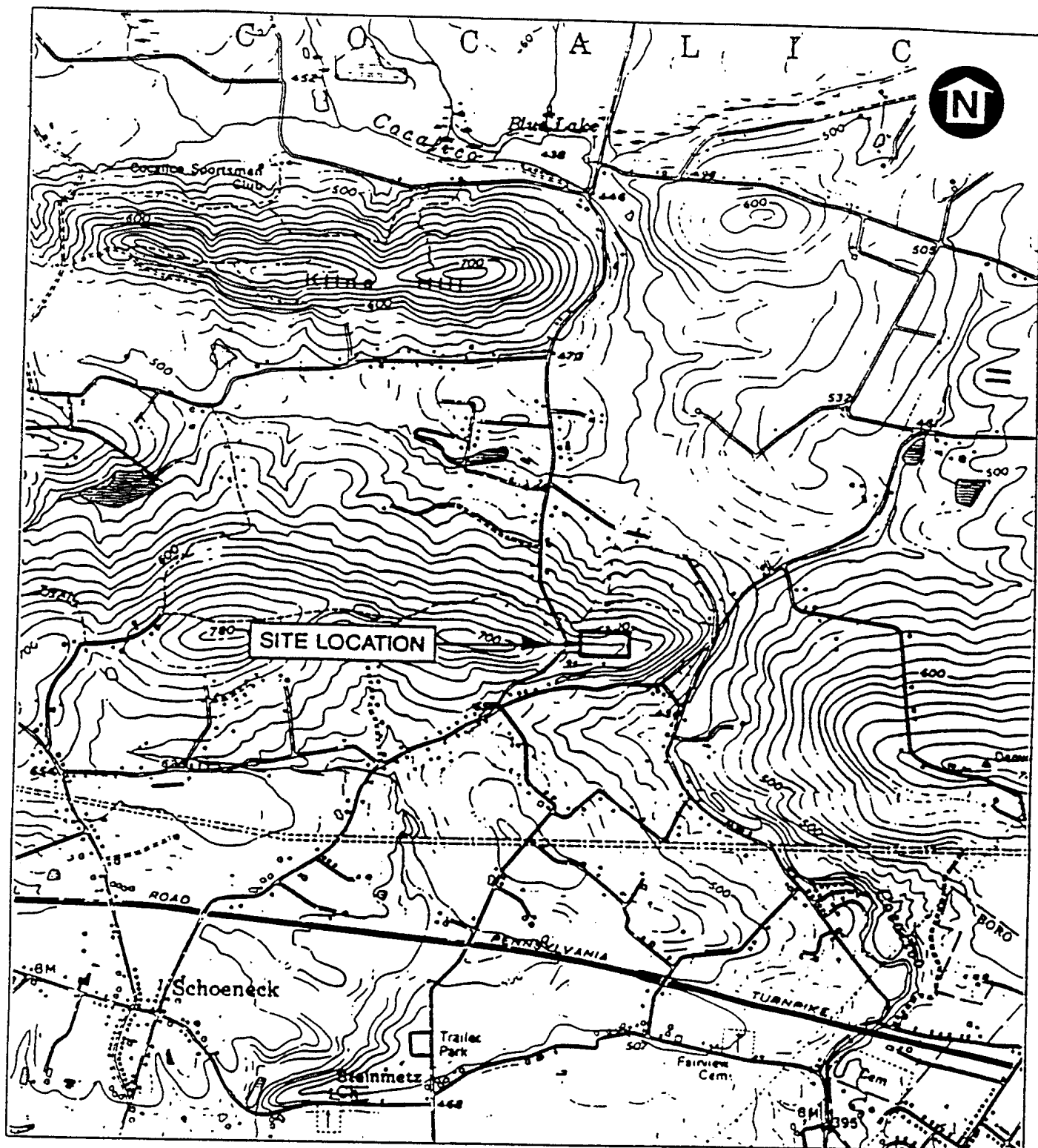
Support Agency: Pennsylvania Department of Environmental Protection  
(formerly the Pennsylvania Department of Environmental Resources)

### Statement of Purpose

The Record of Decision (ROD) for the Berkley Products Company Dump Superfund Site was signed on June 28, 1996. This Explanation of Significant Differences (ESD) is being issued in accordance with Section 117 (c) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, (CERCLA), 42 U.S.C. §9617(c), and Section 300.435 (c) (2) of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 C.F.R. §300.435 (c) (2) (i). EPA is required to publish an explanation of significant differences if the remedial action taken at a site differs significantly from the remedy selected in a Record of Decision, and such differences significantly change, but do not fundamentally alter, the remedy selected in the Record of Decision with respect to scope, performance, or cost. This ESD has been prepared to provide the public with an explanation of the nature of the changes made to the selected remedy for the cleanup of the landfill and side slope areas of the Berkley Products Company Dump Site, to summarize the information that led to the changes, and to demonstrate that the revised remedy complies with the statutory requirements of Section 121 of CERCLA, 42 U.S.C. §9621.

## **II SUMMARY OF THE SITE HISTORY, CONTAMINATION PROBLEMS AND SELECTED REMEDY**

The Site is located one and a half miles northeast of Denver, Pennsylvania, in West Cocalico Township, Lancaster County (Figure 1). Also known as Schoeneck Landfill, the Site is east of Wollups Hill Road, north of Swamp Bridge Road. The Site is a former “town dump” which covers about five acres on the crest of a hill, within a larger tract of 21 acres. The Site includes the landfill, areas where dumping occurred on the southern slope and the groundwater affected by contamination leaching from the landfill. The area surrounding the Site is primarily forested residential.



Source: USGS 7.5-Minute Series (Topographic) Map Wolmelsdorf, and Ephrata, PA

Scale in Feet

2000 0 2000

Figure 1

SITE LOCATION MAP, BERKLEY PRODUCTS DUMP SITE, DENVER, PA

The Site was used as a municipal waste dump from approximately 1930 until 1965. In 1965, the Lipton Paint Company ( “Lipton ”), a subsidiary of Berkley Products Company, purchased the property. The operation continued to receive household trash from neighboring communities as well as paint wastes from Berkley Products Company. The property was closed by Lipton due to a lack of available fill area and cover material, and covered with soil. Then, in September 1970, the property was sold to private owners and has been used as a residence since that date.

Prior to 1965, the dump received paper, wood, cardboard and other domestic trash from the northeastern corner of Lancaster County. The only commercial wastes identified during that period were from local shoe companies. Those wastes included leather scraps and empty glue and dye pails. During the period from 1965 to 1970, different sources estimate that the dump received from 650 to 40,000 gallons of paint wastes from Berkley Products Company. These wastes included primarily pigment sludges and wash solvents. EPA has learned that the solvents were sometimes used to burn the household trash and that the sludges were disposed of in five gallon pails. Information gathered about the final years of operation of the Site indicates that the municipal trash was dumped to the south of the access road, toward the hillside, while the paint wastes were deposited in the northern part of the dump.

The Berkley Products Company produced paints and varnishes with solvents, ethyl cellulose resin and pigments with lead oxide and lead chromate. The solvents included toluene, xylene, aliphatic naphthas, mineral spirits, methyl ethyl ketones, methyl isobutyl ketones, ethyl acetate, butyl acetate, glycol ether, butyl celasol, methyl alcohol and isopropyl alcohol.

This Site was originally investigated by the Pennsylvania Department of Environmental Resources (PADER) in 1984. In July 1984, EPA collected field samples that were presented in a “Site Investigation ” report dated March 5, 1986. Based on the results of the investigations, the Site was placed on the National Priorities List (NPL) of Superfund sites in March 1989. The regulations enacted pursuant to CERCLA generally require that a Remedial Investigation and Feasibility Study (RI/FS) be conducted at each NPL site and subsequently, a remedial response action selected to address the problems identified.

EPA initiated the RI/FS in 1990 to identify the types, quantities and locations of contaminants, to evaluate the potential risks, and to develop and evaluate remedial action alternatives to address the contamination problems at this Site. A CERCLA removal action was taken at the Site in October 1991 to address some preliminary findings of the RI. During the field investigation of the RI, buried drums containing paint wastes were uncovered in the northeastern portion of the Site. This area was excavated, and 59 drums were overpacked and removed. Seven drums were overpacked and removed from the southern slope of the landfill. An additional 35-foot-long by 15-foot-deep exploration trench uncovered no additional drums. A total of 67 drums were removed from the Site. The wastes were classified as PCBs, flammable liquids, solids, and paint solvents.

On June 28, 1996, EPA issued a ROD for the Site which required the following components (as specified in Section X Performance Standards):

- Pre-design investigations and activities
- Site preparation
- Consolidation of landfill wastes
- Site grading
- Cover system placement, with the following components as determined necessary for compliance with the relevant sections of Pennsylvania's Hazardous Waste Regulations:
  - Subgrade
  - Gas vent system
  - Barrier layers
  - Drainage layer
  - Top layer (vegetated)
- Security fencing
- Removal actions as determined to be necessary during consolidation activities, and to be conducted in compliance with all state and local laws, to the extent not inconsistent with federal laws
- Erosion control measures
- Long-term monitoring to include groundwater, surface runoff, leachate spring and seep monitoring (annual), residential well monitoring (semi-annual) and monitoring wells (quarterly)
- Institutional controls to restrict new well installation in the contaminated zone
- Long-term operation and maintenance of the remedy
- Five-year reviews.

### **III. DESCRIPTION OF SIGNIFICANT DIFFERENCES AND THE BASIS FOR THOSE DIFFERENCES**

EPA has determined that certain changes in the remedy set forth in the ROD are warranted. These changes are significant changes as defined in Section 300.435 (c) (2) (i) of the

NCP, 40 C.F.R. §300.435 (c) (2) (i); therefore, preparation of this ESD is required. A ROD Amendment is not required because the changes do not fundamentally alter the selected remedy.

### **A. Description of the Change**

The ROD for the Berkley Products Company Dump Superfund Site specifies the treatment of the wastes on the side slope as follows:

An estimated 18,056 cubic yards of materials (contaminated soils and leachate sediments and the landfill materials that had been end-dumped from trucks) are deposited on the southern face of the hillside. Once the southern slope is cleared and grubbed, the soils and materials will be excavated using truck-mounted dragline excavators, power shovels or other appropriate equipment. Because of the steep slopes, the safest positioning of heavy equipment would be on the relatively level portions of the landfill (plateau area). The excavated materials would be lifted to the level portion of the landfill and emptied into dump trucks or temporary stockpiles. The excavated materials would then be dumped or backfilled on the landfill, graded, and compacted.

As necessary, engineering controls will be implemented during consolidation and backfilling to prevent airborne emissions of fugitive dusts in accordance with PA Code 25 §123.1(c). Temporary covers may be applied to soils and landfill materials storage areas, and dust suppressants and water would be applied to wet down materials, as appropriate, to minimize fugitive dust emissions. The delineation of actual areas to be addressed and the quantities to be consolidated and compacted will be made after evaluation of the results of the pre-design investigation.

The ROD anticipated that the bulk of the consolidated wastes at the Site would be incorporated into the onsite landfill and capped in place. During the design of the cap, the volume of the waste to be consolidated was determined to exceed the capacity of the cap being designed for the designated landfill area. These wastes will therefore be excavated, characterized, transported and disposed offsite. An estimate of the excess volume is 30,000 cubic yards or 16,500 tons, based on the pre-design borings and test pitting operations, and surface geophysical studies. The cost of offsite disposal for these wastes as residual waste are estimated at \$68.00 per ton, or a total of \$ 1.1 million, an increase of site costs of approximately 19%.

### **B. Rationale for the Change**

EPA has determined that the changes to the ROD described above are needed, and that the revised remedy will be protective of human health and the environment. The onsite landfill will be capped as described in the ROD, in accordance with all applicable or relevant and appropriate regulations. The landfill itself cannot be expanded to accept all of the excess waste because because it is unlined. Additionally, the naturally steep inclines of the surrounding

terrain limit the ability to extend the elevation or area of the cap without exceeding final slope requirements.

The potential for removing material found on the side slope was contemplated in the ROD in Section VII - Description of Alternatives, under Alternative 3: Consolidation Capping and Institutional Controls, and the handling of such materials was further specified in Section X - Performance Standards, under Removal Actions: “If, during the consolidation, grading and capping activities, it is determined necessary to remove materials from the Site, all excavation, handling, transportation and disposal activities will be conducted in compliance with all state and local laws to the extent not inconsistent with federal laws. ” Because of the una volume and associated costs, the offsite disposal of the materials is considered a significant difference from the remedy described in the ROD.

#### **IV. SUPPORT AGENCY REVIEW**

EPA notified the PADEP with the changes proposed in this ESD in accordance with 40 C.F.R. §300.435 (c) (2). By letter dated July 6, 1999, PADEP informed EPA that it concurs with this ESD. A copy of this letter has been placed in the Administrative Record file.

#### **V. AFFIRMATION OF THE STATUTORY DETERMINATIONS**

EPA has determined that the revised remedy complies with the statutory requirements of CERCLA §121, 42 U.S.C. §9621. Considering the new information that has been developed and the changes that have been made to the selected remedy, EPA believes that the remedy remains protective of human health and the environment, complies with federal and state requirements that are applicable of relevant and appropriate to this remedial action in accordance with Section 121 (d) of CERCLA, 42 U.S.C. §9621(d), and is cost-effective. In addition, as described in the original Record of Decision, the revised remedy also utilizes permanent solutions and alternative treatment to the maximum extent practicable for this Site.

#### **VI. PUBLIC PARTICIPATION**

The potential for off-site removal of excavated materials was introduced in the Proposed Remedial Action Plan released in April 1996. In that document, it was announced, actions are implemented to address “hot spots ”, which for this Site would be pooled liquid drums discovered during grading or consolidation activities, Alternative 3 would comply with OSHA and DOT requirements and with state regulations governing the generation, management, or handling of wastes and with state land recycling and remediation standards.

The potential for off -site removal of materials was further discussed at the public meeting held Wednesday, April 17, 1996, at the West Cocalico Township Office, and then documented as discussed above, in the ROD. This ESD, the ROD and the information



supporting these decisions is available at EPA \_\_\_\_\_'s Philadelphia Office and at the public information repository at the West Cocalico Township Office at the following locations:

U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19107

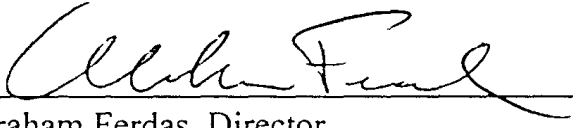
and

West Cocalico Township Office  
156B West Main Street  
Reinholds, Pennsylvania  
(717) 336-8720

Questions or comments on EPA \_\_\_\_\_'s action and requests to review the administrative record at EPA's Office should be directed to:

James Feeney  
Remedial Project Manager (3 HS21)  
U.S. EPA, Region III  
1650 Arch Street  
Philadelphia, Pennsylvania 19107  
(215) 814-3190

8/20/99  
Date

  
Abraham Ferdas, Director  
Hazardous Sites Cleanup Division